

Minnesota General Rules of Practice for the District Courts

Provided by the Minnesota Supreme Court Commissioner's Office

TITLE III. REGISTRATION OF LAND TITLES

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PART A. PROCEEDINGS FOR INITIAL REGISTRATION

Rule 201. Applicability of Rules

Rules 201 through 222 of these rules apply to all actions and proceedings in the district court relating to registration of land titles, including proceedings subsequent to initial registration.

Task Force Comment--1991 Adoption

These rules include all of the provisions of the Code of Rules for the District Courts, Part II, and include additional rules derived from detailed local rules provisions dealing with subjects not addressed in the Code of Rules. No significant substantive changes have been made except to add these new provisions to the state-wide rules.

Rule 202. Applications--Indorsements

Applications shall be approved as to form by the examiner, and there shall be indorsed thereon the name and address of the applicant's lawyer, or of the applicant if the applicant appears in person.

Rule 203. Abstracts of Title

The abstract when filed shall show the record of the patent or other conveyance from the United States, the record of the certified copy of the application, and shall include searches as to all state and federal judgments, federal and state tax liens, real estate taxes and tax and special assessment sales. The abstract also shall contain bankruptcy searches in the office of the County Recorder in the county in which the land is located. Additional bankruptcy searches in the office of the clerk of federal district court shall be required only in examination of title to lands in Hennepin, Ramsey and St. Louis counties.

Rule 204. Title Based Upon an Adjudication Not Final, or Upon Estoppel

When the title of the applicant or the release or discharge of any incumbrance thereon is based upon an adjudication not final, or upon estoppel, and there remains a right of appeal or contest, all parties having such right of appeal or contest shall be made parties defendant.

Rule 205. Examiner's Report--Petition and Order for Summons

The examiner's report shall specify the names of all parties deemed necessary parties defendant. Petitions for summons shall set forth those names and the names of such other parties as the applicant deems to be necessary, and the names, if known to the applicant, or ascertainable by reasonable inquiry of the successors in interest of such persons known to the applicant to be deceased. The petition shall recite that the petitioner has made a diligent effort by reasonable inquiry and search to ascertain the place of residence of all defendants named therein, and where the place of residence of a defendant is unknown to the petitioner, the petition shall so state such fact.

Rule 206. Papers to be Filed--Effect of Notice and Appearance

A defendant who appears or files an answer, and who also serves a copy on the applicant or the applicant's lawyer, shall be entitled to notice of all subsequent proceedings in that action.

Rule 207. Affidavit of No Answer and Court Administrator's Certificate of Default

The default of defendants who fail to appear and answer shall be shown by the certificate of the court administrator of the district court in which the action is filed, and by the affidavit of the applicant's lawyer, if the applicant appears by lawyer; otherwise by the applicant's affidavit.

Rule 208. Hearings in Default Cases--Filing Papers

Initial applications, where no issue has been joined, shall be heard by the court at any special term, or they may be heard by an examiner, to whom the matter has been specially referred. In counties where the examiner checks the proceedings in advance of the hearings, all papers necessary to complete the files shall be filed; and all documentary evidence proposed to be used by the applicant or petitioner shall be delivered to the examiner at least three days before the hearing, together with the proposed order for judgment and decree.

Rule 209. Issues Raised by Answer--Reply

All facts alleged in an answer, which are not in accordance with the allegations of the application, shall be considered at issue without reply by the applicant. But if the answer sets up rights admitted in the application, or in a reply of the applicant, the hearing may proceed as in case of a default, and the registration shall be subject to such rights.

Rule 210. Trial of Contested Issues

In all cases where the answer raises an issue which is not disposed of by stipulation or otherwise, the matter shall be set for trial. The procedure and the method of determination shall be the same as in the trial of similar issues in civil actions or proceedings.

Rule 211. Interlocutory Decree Establishing Boundaries

When the application seeks to fix and establish all or some of the boundary lines of the land, the applicant shall have the premises surveyed by a registered land surveyor and shall cause to be filed in the proceeding a plat of the survey showing the correct boundaries of the premises. The applicant shall furnish the examiner with such abstracts of title of adjoining lands as the latter shall require in determining the necessary parties defendant in the fixing and establishing of such boundaries. The hearing upon such application may be separate from or in connection with the hearing upon the application to register, but before any final adjudication of registration, the court by order shall fix and establish such boundaries and direct the establishment of "judicial landmarks" in the manner provided by Minnesota Statutes, section 559.25. In the decree of

registration thereafter entered, and in certificates of title thereafter issued, the description of the land shall contain appropriate reference to such “judicial landmarks.”

Rule 212. Protection of Interests Acquired Pendente Lite--Provision for Immediate Registration after Hearing

At the time of the hearing of the application for judgment, the applicant shall satisfy the court by continuation of abstract, if required by the examiner, and other proper proof, of any changes in the title, or in the incumbrances arising since the filing of the application. When the decree is signed, the applicant shall forthwith file it with the court administrator, together with a receipt of the registrar showing payment of all sums due for the registration of the decree, and the issuance of a certificate of title, and thereupon the court administrator shall certify a copy of the decree and file the same for registration with the registrar.

PART B. PROCEEDINGS SUBSEQUENT TO INITIAL REGISTRATION

Rule 213. Title of Proceedings

Proceedings subsequent to the initial registration under Minnesota Statutes, sections 508.44, 508.45, 508.58, 508.59, 508.61, 508.62, 508.67, 508.671, 508.70, 508.71, and 508.73, shall be commenced by filing with the court administrator a verified petition by a party in interest, which shall be entitled:

In the Matter of the Petition of _____ in Relation to (description of property) registered in Certificate of Title No. _____ for (relief sought).

The petition shall allege the facts justifying the relief sought, the names of all interested parties as shown by the certificate of title, and their interests therein.

Rule 214. Trial and Hearing

In proceedings where no notice is required and in proceedings where the required process or notice has been served and the time for appearance has expired without any issue having been raised, the proceedings shall be set for trial and heard the same as in proceedings upon default for initial registration. Issues raised in these proceedings shall be set for trial and disposed of the same as similar issues in other civil proceedings.

Rule 215. New Certificates, Amendments, Etc.

In proceedings under Minnesota Statutes, sections 508.44, 508.45, 508.58, 508.59, 508.61, 508.62, 508.67, 508.671, 508.70, 508.71, and 508.73, the examiner shall make such examination as to the truth of the allegations contained in the petition as the examiner considers necessary, or as directed by the court. In all cases where notice is necessary and the manner of notice is not prescribed by statute, it shall be by an order to show cause, which shall designate the respondents, the manner of service, and the time within which service shall be made. Any final order or decree directed in such proceeding shall be approved as to form by the examiner before presentation to the court.

Rule 216. New Duplicate Certificate

Every petition for a new duplicate certificate shall be filed with the clerk and a certified copy thereof may be filed with the registrar for registration as a memorial on the certificate of title. Thereupon the court shall issue a citation addressed "To Whom It May Concern," fixing a time and place of hearing and prescribing the mode of service. No order shall be made for a new duplicate except upon hearing and due proof that the duplicate theretofore issued has been lost or destroyed, or cannot be produced. If it shall appear at the hearing that there are any known parties in interest to whom notice should be given, the hearing shall be continued and an order entered accordingly.

PART C. MISCELLANEOUS PROVISIONS

Rule 217. Cases Not Requiring Special Order of Court

When the interest of a life tenant has been terminated by death, the Registrar may receive and enter a memorial of a duly certified copy of the official death certificate and an affidavit of identity of the decedent with the life tenant named in the certificate of title; and in such case the memorial of said certificate and affidavit shall be treated as evidence of the discharge of said life tenancy.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.02(d).

Rule 218. State Tax Deeds

A deed from the State of Minnesota in favor of the registered owner shall be registered as a memorial on the certificate of title as a discharge of an Auditor's Certificate of forfeiture to the State.

In cases where the state deed of repurchase is dated subsequent to the date of any conveyance by the repurchasing registered owner to another, the

County Auditor, a deputy Auditor, or the County Land Commissioner may endorse on the state deed a statement that the repurchase was made prior to or concurrent with the date of the conveyance by the registered owner.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.03.

Rule 219. Deeds of Housing and Urban Development

In the registration of deeds or other instruments hereinafter listed for titles or interest registered in the name of an individual as Secretary of Housing and Urban Development, the Registrar of Titles shall be guided by 12 U.S.C. section 1710(g), which confers upon any designated officer, agent or employee the power to convey and to execute in the name of the Secretary deeds of conveyance, deeds of release, assignments of mortgages, satisfactions of mortgages, and any other written instrument relating to real property or any interest therein which has been acquired by the Secretary; and the Registrar of Titles shall accept the statement of the certificate of acknowledgement attached to any such instrument as evidence of the official character of the Secretary or the Secretary's designated officer, agent or employee executing the instrument.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.04.

Rule 220. Birth Certificates

The Registrar of Titles is authorized to receive for registration of memorials upon any outstanding certificate of title an official birth certificate pertaining to a registered owner named in said certificate of title showing the date of birth of said registered owner, providing there is attached to said birth certificate an affidavit of an affiant who states that he/she is familiar with the facts recited, stating that the party named in said birth certificate is the same party as one of the owners named in said certificate of title; and that thereafter the Registrar of Titles shall treat said registered owner as having attained the age of the majority at a date 18 years after the date of birth shown by said certificate.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.05.

Rule 221. Death Certificates

The Registrar of Titles may receive official certificates of death issued by the United States Department of Defense or other military department in lieu of a certificate of death.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.06.

Rule 222. Condominiums

The procedure for administration by the Registrar of the Uniform Condominium Act shall be as follows:

(a) The declaration, bylaws and any amendments thereto, to be filed in the office of the Registrar of Titles, must be executed and acknowledged and embrace land within the county.

(b) In order to have uniformity in the recording offices and to protect the interests of the public generally, the general requirements of Minnesota Statutes, section 505.08 as to the platting of land shall be followed, namely: as authorized by Minnesota Statutes, section 505.08, subdivision 2a, only one set of transparencies shall be filed. The transparencies shall be of 4 mil. thickness, black on white on clear Mylar and be made by a fixed photo process. The transparencies shall be 20 by 30 inches in size. More detailed information on the drafting of the condominium plat may be obtained from the Registrar of Titles.

(c) The condominium plat is to be numbered serially beginning with the next number after the last apartment ownership number assigned pursuant to the Minnesota Condominium Act, Minnesota Statutes, chapter 515, and the numbers shall run consecutively within the offices of the County Recorder and the Registrar of Titles.

(d) Where registered land is to be submitted for administration under said act, the declarant, prior to filing the declaration and bylaws, shall obtain an Order of the Court in a Proceedings Subsequent to Initial Registration of land that the Declaration, including the condominium plat, and Bylaws, as submitted, comply with the various requirements of Minnesota Statutes, chapter 515A, and any amendments thereto. The Order shall direct the Registrar of Titles to accept such documents for registration and to enter them as separate memorials on the original Certificate of Title and on the Owner's Duplicate Certificate thereof. Reference to such documents, including the document numbers and dates of filing, shall be carried forward to each succeeding Certificate, including any Mortgagees' or Lessees' Duplicate Certificates.

(e) A condominium shall not include both registered land and unregistered land, but shall consist only of land that is all registered under Minnesota Statutes, chapter 508 or land of which no part is so registered.

Task Force Comment--1991 Adoption

This rule is derived from 4th Dist. R. 11.07.